



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**MAR 27 2013**

Carl Dietz, Director  
City of Chicopee Office of Community Development  
38 Center Street  
Chicopee, Massachusetts 01013

Re: PCB Cleanup and Disposal Approval under §§ 761.61(a) and (c)  
Rivermills Remediation Project  
5 West Main Street, Chicopee, Massachusetts  
RTN: 1-18103

Dear Mr. Dietz:

This is in response to the City of Chicopee (the City) Notification<sup>1</sup> to address PCB-contaminated stockpiled debris on the property located at 5 West Main Street in Chicopee, Massachusetts (the Site). Specifically, a stockpile (designated as Stockpile #9) containing brick and soil debris located at the Site contains PCBs at levels exceeding the allowable concentrations for unrestricted use under § 761.61(a). The City has submitted a plan to consolidate and dispose of the PCB-contaminated stockpile on-site under the provisions of 40 CFR §§ 761.61(a) and (c).

In the Notification, the City proposes the following PCB cleanup and disposal activities:

- Relocate and dispose of the PCB-contaminated stockpiled debris with greater than (>) 1 part per million (ppm) but less than or equal to (≤) 10 ppm PCBs within the asbestos consolidation area;
- Construct a clean soil and/or asphalt cover over the asbestos consolidation area; and,
- Record a deed notice as required under § 761.61(a)(8) in the form of an activity and use limitation (AUL) to document the PCB concentrations and the use restrictions for the asbestos consolidation area.

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<sup>1</sup> Information was submitted on behalf of the City by BETA Group, Inc. to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated March 12, 2013 (SIP); March 15, 2013 (email response to EPA comments); March 18, 2013 (email response to EPA comments); March 18, 2013 (email MassDEP concurrence on SIP); March 21, 2013 (email response to EPA comments); March 21, 2013 (email SIP Revision 1); and March 23, 2013 (SIP Revision 2). These submittals will be referred to as the "Notification."

The information provided meets the Notification requirements under § 761.61(a)(3). Given the Site history, the PCB concentrations in the stockpiled debris, and the proposed remedial action, EPA has determined that the consolidation of the PCB-contaminated stockpiled debris for disposal within the asbestos consolidation area is reasonable and will create no unreasonable risk to public health or the environment. EPA may approve the consolidation for disposal under § 761.61(c).

EPA is approving the Notification and the City may proceed with its PCB cleanup and disposal plan under 40 CFR §§ 761.61(a) and (c); its Notification; and this Approval, subject to the conditions of Attachment 1.

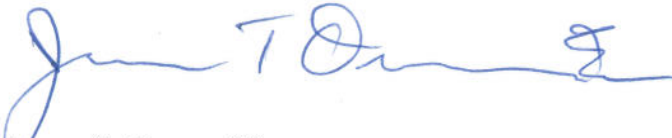
Please be aware that this Approval does not release the City from any applicable requirements of federal, state or local law, including those requirements related other [non-PCB] contaminants under the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Contingency Plan. The City must ensure it has all approvals necessary from MassDEP pertaining to this project.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with the 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens, III  
Director, Office of Site Remediation & Restoration

Attachment 1

cc: A. Hanscom, BETA  
F. Gardner, EPA BF Program  
MassDEP Western Region: RTN 1-18103  
File



## ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
CITY OF CHICOPEE RIVERMILLS REMEDIATION PROJECT  
5 WEST MAIN STREET  
CHICOPEE, MASSACHUSETTS**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* located at the Site and identified in the Notification.<sup>1</sup> Specifically, this Approval addresses the PCB-contaminated debris stockpile #9 containing brick and soil with PCB concentrations greater than (>) 1 part per million (ppm) but less than or equal to (≤) 10 ppm.
  - a. In the event that the City of Chicopee (the City) identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, the City will be required to notify EPA and clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
  - b. The City may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 15.
2. The City shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The City must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill of PCBs during response actions, the City shall contact EPA within 24 hours for direction on sampling and cleanup requirements.

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6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Notification. The City is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve, any violations of federal, state or local law.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

9. This Approval may be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting any work under this Approval.
11. Prior to initiating onsite work under this Approval, the City shall submit the following information:
  - a. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval;
  - b. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
  - c. a contractor work plan, prepared and submitted by the selected contractor(s), detailing the handling and air monitoring procedures that will be employed during consolidation and on-site disposal of the PCB-contaminated debris stockpile. This work plan should also include information on equipment decontamination and disposal of decontamination wastes.



## **CLEANUP AND DISPOSAL CONDITIONS**

12. The cleanup level for bulk *PCB remediation waste* at the Site shall be in accordance with a *high occupancy area* cleanup under 40 CFR § 761.61(a)(4), except for the asbestos consolidation area which shall be classified as a *low occupancy area*.
  - a. Bulk *PCB remediation waste* with  $\leq 10$  ppm (i.e., PCB-contaminated stockpiled brick and soil designated as Stockpile 9) may be removed and consolidated on-site within the asbestos/PCB consolidation area as shown on Figure 2 of the March 23, 2013 Revision 2 submittal.
  - b. Following removal of the PCB-contaminated stockpiled brick and soil, sampling of soils beneath the former stockpile locations shall be conducted to confirm that PCB concentrations are  $\leq 1$  ppm.
  - c. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
  - d. In the event that PCBs concentrations at greater than ( $>$ ) 1 ppm are found beneath the former stockpile area, these soils shall be removed and placed within the asbestos consolidation area or shall be removed and disposed of off-site in accordance with § 761.61(a)(5)(i)(B)(2).
13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding Stockpile #9 and any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with § 761.61(a)(5), unless otherwise specified as follows:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

14. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, or of other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk to public health or the environment; or, if EPA finds that there is migration of PCBs from the Site.

### **RECORDKEEPING AND REPORTING CONDITIONS**

19. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup activities and the analytical sampling shall be established and maintained by the City in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
20. Within 60 days of completion of the cleanup activities described in the Notification and authorized by this Approval, and as required under § 761.61(a)(8)(i)(B), the City shall submit to EPA a certification, that the City has recorded the notation on the deed as required under § 761.61(a)(8)(i)(A). A copy of the notation on the deed must also be submitted.



21. The City shall submit a final report in both hard and electronic copy, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests or bills of lading, if applicable; and copies of certificates of disposal or similar certifications issued by the disposer, if applicable.
22. Required submittals shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.
24. Nothing in this Approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available under Section 6 of TSCA, 15 U.S.C. § 2605, 40 CFR Part 761, or other provisions of federal law.

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**END OF ATTACHMENT 1**